

REMARKS

By the present Amendment, claims 15 and 36 are amended, and claim 35 is cancelled. This leaves claims 15-34 and 36 pending in the application, with claim 15 being independent.

Final Rejection Premature and Entry of Amendment Appropriate

The finality of the June 3, 2010 rejection is premature and should be withdrawn since new grounds of rejection based on the newly cited patent documents in combinations with some of the previously cited documents are presented without being necessitated by the May 18, 2010 Response that did not amend the claims and since the December 22, 2009 Amendment cannot support the finality. Since the prior Response did not amend the claims, the new grounds of rejection were not necessitated by the prior response. Also, the previous Amendment (particularly as to the subject matter of previously allowed claim 3) only modified the claims to avoid the indefiniteness rejections. Withdrawal of the finality of the Office Action and entry and consideration of this Amendment is requested.

The Amendment filed July 19, 2010 has been entered. Since the present Amendment only adds the subject matter of now cancelled claim 35 to claim 15 and modifies the dependency of claim 36 in view of this change to claim 15, no new issues are raised requiring further search or consideration. Moreover, the amendment of claim 15 places the application in condition for allowance.

Rejections Under 35 U.S.C. §103

In a September 7, 2010 telephone interview between Examiner Morris and the undersigned, the Examiner indicated that the addition of the subject matter of claim 35 to claim

15 would make claim 15 and the claims dependent thereon allowable over the citations of record. Thus, the record will not be burdened with further comments comparing the pending claims and the citations.

In view of the foregoing, claims 15-34 and 36 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202) 659-9076

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